

**Before the  
Federal Communications Commission  
Washington, DC 20554**

**RECEIVED  
NOV 22 1996  
FCC MAIL ROOM**

In the Matter of

Advanced Television Systems  
and Their Impact upon the  
Existing Television Broadcast  
Service

)  
)  
)  
)  
)  
)

MM Docket No. 87-268

**DOCKET FILE COPY ORIGINAL**

**Comments for the  
Sixth Further Notice of Proposed Rule Making**

Submitted by: Michael W. Whipple  
First Cullman Broadcasting, Inc.  
501 Second Avenue, SW  
Cullman, Alabama 35055

Licensee of: W52BJ

Date: November 22, 1996

W52BJ (TV-52) in Cullman, Alabama has a commitment to this North Alabama community to provide quality local television programming that cannot be seen anywhere else. The proposals outlined in the Sixth Further Notice of Proposed Rule Making by the FCC puts this commitment in jeopardy. The current proposals would allocate channel 52 to Alabama Public Television on Cheaha Mt., Alabama for DTV broadcasting. We at TV-52 feel that the transition to DTV under the current proposals would do a tremendous disservice to the residents of Cullman, Cullman County and the surrounding area.

No. of Copies rec'd 019  
List ABCDE

We provide many services that the full power stations in Birmingham or Huntsville, Alabama cannot or choose not to do. We broadcast a "live" public affairs morning program that highlights community news and events as well as the people that make this community so unique. We are the only broadcast station that covers local election returns, box by box. TV-52 produces and airs a local health information program in association with our local hospital, Cullman Regional Medical Center. We annually broadcast community events such as elementary school spelling bees, political debates, local parades, local beauty pageants, school programs, local church services and religious activities. We also broadcast local high school football and basketball, covering eight local high schools. These are the kinds of community programming that full power stations cannot do. The local touch is the power of TV-52 and other low power stations like us across America.

The FCC and other branches of our Federal Government continuously say that they want to act in the public interest, promote competition and diversity. By implementing DTV as proposed in the Sixth Further Notice of Proposed Rule Making you are doing just the opposite. TV-52 is the only station that day in and day out provides community programming. The full power stations only provide coverage of Cullman when something catastrophic or sensational has happened. That is not in the public interest. If the FCC wants to promote competition and diversity, then let us compete. By implementing DTV as proposed in the Sixth Further Notice of Proposed Rule Making you are reducing competition. TV-52 has been able to compete in this market with the full power stations from two different markets and we have done remarkably well. Mainly because we focus on what people want, local programming.

It seems that there is a mistaken idea that LPTV stations are not as important as full power stations. TV-52 in Cullman is as important to this community and its citizens as the surrounding full power stations are to their communities. Size cannot and should not be equated with importance and

influence. This is the reason why radio was able to survive when television was first introduced, because they stayed in touch with their local community.

TV-52 supports the consensus proposals submitted by the Community Broadcasters Association.

These include:

1) Allowing LPTV stations to increase their power to a level required to maintain a 15 dB relationship with full power stations in their broadcast areas. This would conform LPTV to the same rule used for full power stations and would allow for more UHF channels to which displaced LPTV stations could relocate.

2) Allowing LPTV stations to relocate at their own risk. Many of the theoretical interference criteria that are in place, are outdated. Technology has made many of these criteria obsolete in the real world. Bending the rules a little bit could help a great many stations.

3) Discontinue the FCC's zero tolerance policy for LPTV stations and allow reasonable interference in the LPTV Grade B contour. This has been allowed for full power stations for many years.

TV-52 greatly opposed the removal of channels 60-69 as well as others proposed in the future. The current proposal to auction these frequencies off in order to raise money, does not fit with the Commissions desire to act in the public interest. First, you are putting stations like TV-52 in Cullman, Alabama out of business in order to raise money. TV-52 was granted their license in 1994 and we feel we had reasonable expectation that we would be able to keep broadcasting. We have made a \$500,000.00 investment in this station. Had the FCC acted in good faith and told us the license would

be revoked, then TV-52 and other LPTV stations around the country would not have made such investments. Not only do you put us and other small businesses out of business in order to raise money, but you reduce competition and diversity. Secondly, if this trend continues then the American public will no longer have the benefits of free television service. This would be a disservice to those who live in rural areas and those who could not afford to subscribe to broadcast television. Thirdly, if the money raised is supposed to go to reduce the debt, I doubt it will happen. If past history is any indication, then the money raised will be swallowed up in another program and will never be applied to the debt.

Once DTV channels have been allotted TV-52 feels that LPTV stations should be given an opportunity to apply for available DTV channels. After the transition occurs and NTSC channels are reclaimed then LPTV stations like TV-52 should be given first chance at a DTV channel. TV-52 would commit to building a DTV station during or after the transition if given the opportunity.

If TV-52 is displaced then we feel it is only fair that we be compensated by the DTV station for our channel. This compensation should be related to the cost of a move to another channel or the loss of the business entirely.

TV-52 in Cullman, Alabama is not against DTV. We are against the forced implementation of DTV if it puts legitimate LPTV broadcasters out of business. This is not fair, it is anti-small business and it is anti-small town America. We feel that with more study, modification of the rules, and the full utilization of the existing 2-69 spectrum, there is more than enough room for most every LPTV station to survive the transition period.

WHEREFORE, for the foregoing reasons, this petitioner respectfully requests that the commission

revise the proposals and policies proposed in the Sixth Further Notice of Proposed Rule Making by incorporating the consensus technical proposals of the Community Broadcasters Association and preserve W52BJ in Cullman, Alabama and other low power broadcasters across America who serve the local public interest.

Respectfully Submitted,

First Cullman Broadcasting, Inc.

Licensee of W52BJ, Cullman, Alabama

  
\_\_\_\_\_  
Michael W. Whipple, General Manager